

Appl. No. 10/780,846
Docket No. 9527LS
Reply dated July 7, 2008
Reply to Office Action mailed on April 7, 2008
Customer No. 27752

REMARKS

Claim Status

Claims 1-20 are pending in the present application. No additional claims fee is believed to be due.

Rejection Under 35 USC §103(a) Over Bustin (GB 1301198) in view of Meyer, et al., (US 6,394,652)

Claim 1, 3, 12-16 and 18-19 has been rejected under 35 USC §103(a) as being unpatentable over Bustin (GB 1301198) in view of Meyer, et al., (US 6,394,652), or alternatively, in view of either of Buckman, et al., or Bohn, et al.. This rejection is traversed because the combination of references is not proper.

Though each of the references deals with the handling of films, the *Bustin* reference deals with the handling of a film tube and that portion of the *Bustin* reference which the Office seeks to impost or combine with the teachings of *Meyer* to achieve a combination coextensive with the claimed invention deals with a means for separating a tube of material which is not inherently applicable to an overlapped sheet of material due to the differences in the dynamics between an enclosed tube and a generally open structure of an overlapped sheet. The *Buckman* and *Bohn* references do not address the element of separating interleaved portions of a sheet of c shaped cross section.

The cited combination of references does not teach or suggest all of the claim limitations of Claims 1, 3, 12, 14-16, and 18 and, therefore, does not establish a *prima facie* case of obviousness (see MPEP 2143.03). Specifically the combination does not teach a sheet of material having at least one overlapped portion. The teachings of the reference relate to a tube of material. The Office Action provides that the c-shaped cross sectioned material of the claimed invention would have been a known alternative. This is besides the point.. The material of *Bustin* is a blown tube of material. The dynamics of separating a tube of material which completely encloses local areas cannot be said to be the same as the dynamics of handling a sheet of material overlapped upon itself and not completely enclosing local areas whether the structure was known or not. The mechanics of *Bustin* cannot be presumed to apply to alternative structures. The position of the Office Action is analogous to the assumption that a musician can properly tune an unconstrained guitar string since a properly constrained string may be tuned. Similarly, the position of

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the Office Action is analogous to the idea that the acoustic performance of a loudspeaker membrane is the same for a cone with the outer perimeter constrained as it is for a cone which has no constraint of the outer rim. The mechanics of a closed loop may not be presumed to apply in a similar fashion to the mechanics of an open system. The rejection should be reconsidered and withdrawn.

Rejection Under 35 USC §103(a) Over Meyer, et al., (US 6,394,652) in view of Bustin (GB 1301198) and Cronauer (US 5,09,069)

Claims 2, 4, 10, and 20 are rejected under 35 USC §103. *Cronauer* is added to *Meyer* and *Bustin* as teaching the use of air to inflate a bag via an air knife. The bags of *Cronauer* are fully formed and are not a sheet overlapped upon itself. The dynamics of a less constrained system are predictable from the dynamics of a more constrained system.

Rejection Under 35 USC §103(a) Over Meyer, et al., (US 6,394,652) in view of Bustin (GB 1301198) Rowe, et al., LaFleur, et al., Yisha, et al., or the collective teachings of Hiramoto, et al., Henaux, Adelmann, and Muller.

Claims 2, 4-9, 10-11, 17, and 19-20 are rejected under 35 USC §103. None of the additional references cures the underlying lack of adequacy of disclosure of the *Bustin* and *Meyer* references alone and in combination.

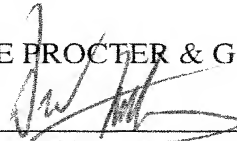
Conclusion

This response represents an earnest effort to place the present application in proper form and to distinguish the invention as claimed from the applied references. In view of the foregoing, reconsideration of this application, and allowance of the pending claims are respectfully requested.

Respectfully submitted,

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By



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